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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/163,977 09/30/98 PARK

J Q51897

EXAMINER

WM01/0213

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WASHINGTON DC 20001

TRAN. T

ART UNIT

PAPER NUMBER

2614

DATE MAILED:

02/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/163,977

Applicant(s)

Yu-Ha PARK

Examiner

Trang U. Tran

Group Art Unit  
2614



☒ Responsive to communication(s) filed on Jan 29, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-29 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-29 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on Jan. 29, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/163,977 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10, 12-15, 19-23, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen (U.S. Patent 5,659,367).

In consider claim 1, Yuen discloses all claimed subject matter, note 1) the claimed receiving the program guide information and a program is met by the tuner 744 (col. 21, lines 50-59) and 2) acquiring program guide information for each channel by scanning accessible channels while the program being received is not displayed is met by the controller 750 (col. 21, lines 34-47 and 59-65).

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In consider claim 2, the claimed said acquiring the program guide information for each channel comprises obtaining the program guide information of the accessible channels by a tuner while the program received by the tuner is not displayed is met by the controller 750 (col. 21, lines 34-47 and 59-65).

In consider claim 3, Yuen discloses all claimed subject matter, note 1) the claimed acquiring program guide information of accessible channels in response to the program guide command is met by the controller 750 (col. 21, lines 34-47 and 59-65), 2) the claimed storing the acquired program guide information is met by the RAM 752 (col. 21, line 65; col. 22, line 1), 3) the claimed writing a program list on the basis of the stored program guide information is met by the RAM 752 (col. 21, line 65; col. 22, line 1 and col. 12, lines 33-46), 4) the claimed displaying the written program list to the user is met by the television 14 (col. 22, lines 1-3).

In consider claim 5, the claimed determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information and proceeding to said writing the program list when the stored program guide information is effective, before said acquiring program the guide information is met by the comparing step (col. 21, lines 39-47).

In consider claim 6, 1) the claimed writing and displaying a program list including the program guide information of channels tuned before a program guide command is executed from the stored program guide information is met by the display of the television guide (col. 21, line 65 to col. 22, line 5) and 2) the claimed acquiring the program guide information for each

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channel by searching for the accessible channels in a background operation while the program list is referred to is met by the search for the television guide (col. 21, lines 59-65).

In consider claim 7, the claimed said acquiring the program guide information comprises determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 8, the claimed said acquiring the program guide information comprises determining the order of priority of channels having the same proximity to the channel tuned before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 9, the claimed wherein an upward or downward direction is preferential when no channel up/down command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 10, the claimed said acquiring the program guide information comprises searching channels upward or downward from the channel tuned before the program guide command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 12, Yuen discloses all claimed subject matter, note 1) the claimed writing and displaying a program list including program guide information of channels tuned

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before a program guide command is executed from stored program guide information is met by the display of the television guide ( col. 21, line 65 ; col. 22, line 5), 2) the claimed acquiring program guide information for each channel by searching for accessible channels in a background operation while the program list is referred to is met by the search for the television guide (col. 21, lines 59-65), 3) the claimed storing the acquired program guide information for each channel is met by the storing the channel guide in the RAM 752 ( col. 21, line 65 ; col. 22, line 1), 4) the claimed rewriting a program list on the basis of the stored program guide information is met by the storing the channel guide in the RAM 752 ( col. 21, line 65 ; col. 22, line 1 and col. 12, lines 33-46), 5) the claimed displaying the rewritten program list to a user is met by the display of the television guide (col. 22, lines 1-3).

In consider claim 13, the claimed said acquiring the guide information comprises determining a sequence of accessing channels by the proximity of channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 14, the claimed said acquiring the guide information comprises determining an order of priority of channels having the same proximity to the channel tuned according to a channel up/down command input before corresponding channels are accessed is met by the search for television guide ( col. 21, lines 59-65).

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In consider claim 15, the claimed wherein an upward or downward direction is preferential when no channel up/down command is applied is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 19, Yuen discloses all claimed subject matter, note 1) the claimed a tuner tuning a channel is met by the tuner 744 (col. 19, line 19), 2) the claimed a program guide information detector detecting program guide information introduced via said tuner is met by the controller 750 (col. 19, lines 24-44 and col. 21, lines 34-47), 3) the claimed a memory storing the program guide information for each channel detected by said program guide information detector is met by the RAM 752 (from col. 21, line 65 to col. 22, line 1), 4) the claimed a key input introducing a user manipulation command such as a program guide command or a channel search command is met by the remote controller 16 (col. 19, line 10-17 and col. 21, lines 5-8), 5) the claimed a microprocessor, in response to the manipulation command input via said key input, that writes a program list based on program guide information stored in said memory, and searches for accessible channels by controlling said tuner in a background operation while a user refers to the program list is met by the controller 750 ( col. 18, lines 1-7 and col. 21, line 34 ; col. 22, line 10), 6) the claimed a character signal generator generating a character signal corresponding to the program list written by said microprocessor and providing the character signal to a screen is met by the on-screen display controller 756 (col. 22, lines 1-3).

In consider claim 20, the claimed wherein said microprocessor determines the sequence of accessing channels by the proximity between channels to the channel tuned before the

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program guide command is executed is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 21, the claimed wherein said microprocessor determines the order of priority of channels having the same proximity according to a user's channel up/down command input via said key input before corresponding channels are accessed is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 22, the claimed wherein said microprocessor searches for channels preferentially in an upward or downward direction when no channel up/down command is executed is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 23, the claimed wherein said microprocessor searches for channels upward or downward from the channel tuned before the program guide command is executed is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 25, the claimed wherein said microprocessor provides to said character signal generator a status message on the message screen in response to the program guide information of a corresponding channel not being stored is met by the warning message (col. 20, lines 50-54).

In consider claim 26, the claimed wherein the accessible channels include channels accessed by a tuner and channels provided by a line input is met by the tuner and the output 728 (col. 19, lines 10-23 and col 21, lines 34-65).



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In consider claim 27, the claimed wherein said acquiring the program guide information comprises determining the sequence of accessing channels by proximity of the channels to the channel tuned and by a channel up/down command input just before a channel search is determined is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 28, the claimed means for detecting program guide information corresponding to channels in relation to a tuned channel is met by the search for television guide (col. 21, lines 59-65 and col. 22, lines 56-59) and means for searching for accessible channels of the channels based upon a command received, the program guide information, and a relation to the tuned channel is met by the controller 750 (col. 21, lines 59-65 and col. 22, lines 56-59).

In consider claim 29, the claimed wherein the means for searching searches the accessible channels in a preferential manner is met by the controller 750 (col. 21, lines 59-65).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (U.S. Patent 5,659,367).

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Yuen discloses all features of the instant invention except providing a message indicating that the user must wait until the program is written. However, the capability of displaying message indicated the user must wait until the program is written is well known and old in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Yuen's system with the well known message in order to increase the efficiency system operation in Yuen.

6. Claims 11, 16-18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (US. Patent 5,659,367) in view of Saitoh (US. Patent 5,444,499).

In consider claim 11, Yuen discloses all the features of the instant invention except for providing the step of writing a probability distribution of tuned channels, and wherein said acquiring the program guide information comprises searching the channels are searched in an order of priority according to a probability distribution of channels. Saitoh teaches that the controller can calculates a probability that channels are to be selected, by accumulating a number of time which the channels are tuned (col. 5, lines 46-62) and searches for the channels in an order of priority according to a probability of tuning by the channels calculated (col. 6, lines 15-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Yuen's system with the controller as taught in Saitoh in order to obtain the television guide without carrying out cumbersome tuning operations.

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In consider claim 16, the claimed wherein said acquiring the guide information comprises searching channels upward or downward from the channel tuned before the program guide command is executed is met by the search for television guide disclosed in Yuen, column 21, lines 59-65 .

In consider claim 17, the claimed further comprising writing a probability distribution of tuned channels, and wherein the channels are searched for in order of priority according to the probability distribution of channels is met by the search of channels base on the priority disclosed in Saitoh, column 6, lines 15-38 .

In consider claim 18, the claimed wherein said displaying the written program list comprises displaying a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored is met by the warning message of Yuen (col. 20, lines 50-54), and displaying the program guide information of a corresponding channel in response to acquiring the program guide information of channels tuned before the program guide command is executed being acquired in said acquiring the program guide information is met by the display of the television guide disclosed in Yuen, column 22, lines 1-3.

Claim 24 is rejected for the same reason as discussed in claim 11.

3. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS**

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**ACTION IS MADE FINAL** even though it is a first action after the filing under 37

CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a). /

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reinhard J. Eisenzopf, can be reached on (703)305-4711.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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**Any response to this action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

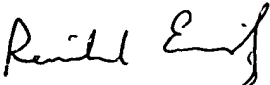
(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TT TT

February 11, 2001

 2-12-01  
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